

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/19/2019

-----X
:
UNITED STATES OF AMERICA,
:

Plaintiff,
:

-against-
:

PAUL MATHIEU,
:

Defendant,
:
-----X

16 Cr. 763-02 (LGS)

ORDER AMENDING
PRESENTENCE
INVESTIGATION
REPORT

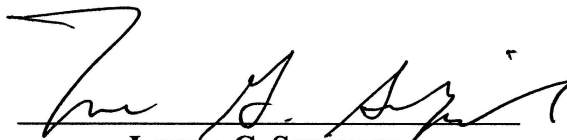
LORNA G. SCHOFIELD, District Judge:

It is hereby **ORDERED** that the Presentence Investigation Report dated July 31, 2019, is amended as follows:

- 1) Paragraph 60 shall be deleted and replaced with the following: “According to the Government, as stipulated at the sentencing hearing on December 11, 2019, **MATHIEU** is responsible for an intended loss of \$23,562,424. This loss amount includes \$22,331,208 in Medicare fraudulent claims submitted by the three clinics that **MATHIEU** claimed to have owned (the Medical Office of Paul J. Mathieu, Sunlight Medical, and Ocean View Medical), as well as \$634,393 in individual billing and referrals at the three other Burman clinics. The remaining \$596,823 represents Medicaid payments issued to Universal Supply Depot based on fraudulent prescriptions/referrals from **MATHIEU** for products dispensed in or after May 2009. **MATHIEU** is responsible for causing an actual loss of \$16,359,344, which is owed to Medicare (CMS) (\$15,762,521) and New York State Medicaid (\$596,823).”
- 2) Paragraph 74 shall be deleted and replaced with the following: “The provisions of the Mandatory Victim Restitution Act of 1996 apply to this Title 18 offense. The total restitution owed by Mathieu is \$16,359,344, which is owed to Medicare (CMS) (\$15,762,521) and New York State Medicaid (\$596,823).”

- 3) Paragraph 80 shall be deleted and replaced with the following: “**Specific Offense Characteristics:** Mathieu is responsible for an intended loss of \$23,562,424. Therefore, a 20-level increase is warranted, pursuant to §2B1.1(b)(1)(L) +20.”
- 4) Paragraph 84 shall be deleted and replaced with the following: The Court held at the sentencing hearing on December 11, 2019, that a two-level enhancement is warranted because Mathieu testified untruthfully at trial about his conduct in the instant offense. +2”
- 5) Paragraph 135 shall be amended by deleting the first paragraph and replacing it with the following: “**Statutory Provisions:** Pursuant to 18 U.S.C. § 3663A, restitution in the total amount of \$16,359,344. Medicare (CMS) is owed \$15,762,521 and New York State Medicaid is owed \$596,823. Payments can be forwarded to:”
- 6) Page 28 – The Restitution amount should be changed in all three columns to \$16,359,344.
- 7) Page 32, the paragraph under the heading “Restitution” shall be deleted and replaced with the following: “The provisions of the Mandatory Victim Restitution Act of 1996 apply to this Title 18 offense. The total restitution owed by Mathieu is \$16,359,344, which is owed to Medicare (CMS) (\$15,762,521) and New York State Medicaid (\$596,823). Payments can be forwarded to the Clerk of Court for disbursement to:”
- 8) A copy of this Order shall be appended to all copies of the Presentence Investigation Report and made a part thereof.

Dated: December 19, 2019
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE